

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Brandon L. Walter, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Billings, Montana Resident Agency. I have been a Special Agent for approximately 16 years. During this time, I have investigated numerous violations of Federal law, including offenses enumerated under Title 18 of the United States Code and the online sexual exploitation of children.

2. I have been assigned to investigate a case involving the online sexual exploitation of a 15-year-old girl living in Musselshell County in Montana. On February 4, 2022, Foster Parent (FP; whose identity is known to your Affiant) made a report to the FBI's national complaint center reporting that FP's 15-year-old Foster Daughter (FD; whose identity is known to your Affiant) had been in communication with an electronic mail address, JeramyAnderson13@gmail.com. FP reported to have observed child pornography and sexually provocative language in electronic mail exchanges between FD and the gmail account. Based on the context of the messages, FP believed that the gmail account was an alias account for Marshall Vincent Lucas, a 41-year-old male. Lucas was FD's

Biological Mother's (BM; whose identity is known to your Affiant) ex-boyfriend.

FP reported that BM had previously alleged that Lucas was "grooming" FD.

3. The information set forth in this affidavit is known to me as a result of an investigation conducted by the Montana Division of Criminal Investigation (DCI), the Musselshell County Sheriff's Office, and the FBI. In addition, I was personally involved in investigation and have spoken with other law enforcement personnel associated with this investigation. This Affidavit does not purport to contain all facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offense.

#### STATEMENT OF PROBABLE CAUSE

4. On February 15, 2022, FP traveled to the FBI Office in Billings, Montana and provided a cellular telephone (iPhone XR) and laptop computer (Dell Inspiron 15) and a consent to search these devices to the FBI. FP reported that these devices were utilized by FD. Lucas had given the laptop to FD and FP had provided the telephone to FD. FP's spouse had observed a naked photograph of FD on the laptop in the desktop trash bin. While these devices had already been seized by the Musselshell County Sheriff's Office, the Sheriff's Office had returned the devices to FP. On February 8, 2022, the FBI had spoken to the Musselshell County undersheriff. The undersheriff explained that no probable

cause existed to search the devices as no evidence existed to suggest that the naked photograph had been transmitted. The undersheriff also explained that FP stated that there was nothing “inappropriate” about the electronic mail exchanges that had been observed.

5. On July 25, 2022, BM was interviewed by the FBI. BM explained that Lucas had told FD that he would buy her a ranch and that they could live together on the ranch with the cows. BM explained that Lucas had “groomed” FD. BM characterized Lucas as “computer savvy,” as he owns a computer business. BM heard from FD’s biological father that FD asked her biological father to sign an “emancipation document,” so that she would leave BM and live with Lucas.

6. On July 25, 2022, FD was forensically interviewed by an FBI Child and Adolescent Forensic Interviewer. FD provided the following information:

Lucas considered FD to be his girlfriend. Lucas initially wanted to “hold and kiss” FD, but FD told him, “No.” Thereafter, Lucas kissed her at his residence, located in Roundup, Montana. Another time, Lucas suggested that he could help FD’s back pain. Lucas put her on the floor of his residence and moved her legs “weird,” pushing them up to her stomach.

When BM lost custody of FD in and around September 2021, Lucas gave FD the laptop and began communicating with FD under an alias electronic mail address under the alias name, Jeramy Anderson. Lucas began

to request nude images of FD, asked FD how she felt about him, and asked FD if she ever had sex or had kissed anyone. FD sent the requested images to Lucas with her iPhone and the laptop that Lucas had given her. Lucas persisted in his requests for the nude images and FD ultimately relented and sent the images. Lucas also sent FD nude images of himself. Lucas instructed her to make sure that she deleted everything from the device and even logged into FD's email himself to delete the emails and other items.

Lucas requested to have sex online, after he provided FD with the laptop, and after she received the iPhone from FP. Lucas asked FD to video chat with him, while she showered. These video chats occurred over Google Chat or by "face call." In addition to the shower videos, Lucas had FD masturbate during other video calls, while he masturbated on the other end of the video call.

Lucas also communicated with FD using Snapchat and Messenger. FD "possibly" sent Lucas videos and images using Snapchat, but FD mainly used the other platforms to communicate and conduct video calls with Lucas.

7. On May 17, 2022, a request for a forensic analysis of FD's iPhone and laptop was placed with the Intermountain West - Regional Computer Forensic Laboratory located in the FBI Office in Billings, Montana. On October 24, 2022, the results of this examination were received. Approximately 20 nude or partially nude images of FD were found on the laptop. Additionally, approximately 7

deleted nude images of adult males were recovered from the laptop. 22 text strings with reference to Lucas's alias, Jeramy Anderson, were recovered and appeared relevant to the sexual exploitation of FD. FD recognized many of the nude images of herself as having been captured at FP's residence. FD stated that Lucas, "adored," one of these nude images that she sent to him. FD recognized an image of her butt and vagina as one requested by Lucas when he observed her doing yoga on a video call. Lucas then asked for her to do the same yoga position in the nude. FD recognized images of nude men recovered from the laptop to be images of Lucas; however, FD stated that she had not seen some of these images before. Some of the images of the nude men appeared to be different people, while others appeared to be images of the same person.

8. On November 21, 2022, DCI Agent Alesha Woodland applied for and obtained search warrants, from the Montana Fourteenth Judicial District Court, for the person of Marshall Vincent Lucas, a black 2021 Chevy Silverado that was driven by Lucas, and Lucas's residence located in Roundup, Montana. The search warrants were authorized by the Honorable Randal I. Spaulding. On November 22, 2022, Agent Woodland, with assistance from the FBI, executed searches pursuant to the warrants. Items seized from the residence included 4 laptop computers, a cell phone, 2 thumb drives, a hard drive, an Amazon tablet, 2 tower-style desktop computers, and an SD memory card. A Western Digital hard drive

was seized from the vehicle. A smart phone was seized from Lucas's left rear pant pocket.

9. On November 22, 2022, Lucas was interviewed at the Musselshell County Sheriff's Office after being advised of his rights and consenting to answer questions without a lawyer present. Lucas provided the following information:

Lucas provided FD with a laptop computer and a tablet, given to FD and her sister by Lucas's father, and communicated with FD using an alias email, JeramyAnderson13@gmail.com. Lucas used the alias email so that BM wouldn't know that he was communicating with FD. Lucas used Google Chat to video call with FD. Lucas provided FD with information about the process of pursuing emancipation from her parents. When describing his relationship with FD, Lucas stated, "It became blurred lines...we ended up bonding...she was in love with me...it got messed up...I tried to get out of it, but I couldn't." Lucas admitted to having sexual intercourse with FD fewer than six times but couldn't recall an exact number. Lucas and FD used Google Chat to video call one another and do various things while chatting to include exercise. Lucas viewed three nude images of FD and recognized these images as being part of his online communications with FD. One of the images captured FD's anus and vagina from the back. Lucas also viewed two images of a naked male. In one of these images, the

male appears to be touching his penis with his left hand, just out of the view of the camera, and the other image contains a naked male in the background with his erect penis in the foreground. Lucas admitted that these images were captured by FD during an online video chat session. Lucas advised FD not to capture screenshots and even told FD to conduct “factory resets” and delete items from her devices as she should not have had such images on her devices.

CONCLUSION

10. Based upon the facts outlined in this affidavit, your Affiant believes that there is probable cause for the issuance of an arrest warrant for Marshall Vincent Lucas for violation of Title 18 United States Code § 2251(a), Sexual Exploitation of Children.

11. I swear that the facts presented herein are true and accurate to the best of my knowledge.



Brandon L. Walter  
FBI Special Agent

Sworn to before and subscribed to in my presence on this 23 day of November, 2022.



Honorable Timothy J. Cavan  
United States Magistrate Judge